

REMARKS

Claims 1-34 are pending in the present application. In the Office Action mailed February 2, 2006, the Examiner rejected claims 1-34 under 35 U.S.C. §103(a) as being unpatentable over Worley (USP 6,651,190) in view of Wetzer (USP 6,378,748).

The Examiner contends that Applicant's Declaration under 37 CFR §1.131 "is ineffective to overcome the Wetzer reference (US 6,738,748)." The Examiner's sole reliance for this alleged ineffectiveness is that "Exhibit A does not have an actual date for the Examiner to verify that this document was actually reduced to practice before April 3, 2001 which is the filing date of the Wetzer reference."

The Examiner is referred to MPEP §715.07 II which states: "if the dates of the Exhibits have been removed or blocked off, the matter of dates can be taken care of in the body of the Oath or Declaration." The Examiner is referred to paragraphs 3, 4, and 5 for the requisite recitation of the dates. The Examiner has no authority to "verify that this document was actually reduced to practice", as stated in the Office Action of February 2, 2006, other than ensuring the dates are addressed in the declaration, which they are in this case

Therefore, since no rejections remain, the present application being in condition for allowance, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-34.

Respectfully submitted,

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